

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q91344

Toshimi NAKAMURA, et al.

Allowed: January 15, 2009

Appln. No.: 10/564,129

Group Art Unit: 2856

Confirmation No.: 8865

Examiner: Mark A. SHABMAN

Filed: January 11, 2006

For: LEAK DETECTOR AND LEAK DETECTING SYSTEM USING THE SAME

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant notes that the Examiner's particular comments, in the Notice of Allowability mailed January 15, 2009, regarding the reasons for allowance do not accurately reflect the claim language.

Applicants do not necessarily agree with the Examiner's particular comments regarding the reasons for allowance and the description of the prior art. Applicants submit that the scope of the claims should be governed by the actual claim language, not by the Examiner's reasons for allowance.

Patent Office personnel are requested to note that the present submission does not adversely affect the patent term adjustment accrued by Applicant to date. As emphasized in the "Clarification of 37 C.F.R. §1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance Has Been Mailed," 1247OG111 (6/26/01), "a response to the examiner's reasons for allowance" is an example of a paper that does "not cause substantial interference and delay in the patent issue process" and is "not considered a 'failure to engage in reasonable efforts' to conclude processing or examination of the application." Therefore, the Applicant remains entitled to the full patent term adjustment set forth on page 3 of the Notice of Allowance dated January 15, 2009.

Respectfully submitted,

/Ellen R. Smith/

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Date: April 13, 2009